

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 14679 of 2004

Between:

Moppaneni Janakiramaiah, s/o Raghunayakulu,
Aged 41 years, r/o Chandalur (V), J.Pangulur (M),

Prakasam District.

..... PETITIONER

AND

1. A.P.State Irrigation Development Corporation Ltd.,

rep., by its Vice Chairman & Managing Director,
Hyderabad.

2. The Executive Engineer, APSIDC Division,

A.P.State Irrigation Development Corporation Ltd.,
Sankshema Complex, Near South Bye Pass Road, Ongole.

3. Person-in-Charge, Chandalur CIFS & Cooperative Sub-Registrar,

o/o Divisional Cooperative Officer, Ongole, Prakasam District.

4. Deputy Executive Engineer, APSIDC, Sub Division,
Chirala, Prakasam District.

5. Devarakonda Venkataswamy, s/o Subbaiah,
r/o Chandalur J.Pangulur (M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the letter No.IDC/EE/OGL/DB/AEE/553, dt.21/7/2004 issued

by the 2nd respondent is illegal, irregular, highhanded and unreasonable being violative of principles of natural justice and Articles 14, 19, 21 and 300-A of the Constitution of India and also contrary to the concluded agreement, set aside the same and consequently direct the respondents to permit the petitioner to execute the work as per concluded agreement in the interests of justice.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

**Counsel for the Respondent Nos.1 to 4: MR.TADDI NAGESWARA RAO,
STANDING COUNSEL FOR A.P.S.I.D.C. Ltd.,**

Counsel for the respondent No.5: None appeared

The Court made the following:

ORDER:

The petitioner claims to have been awarded a contract for execution of some civil repair works in respect of Chandalur lift irrigation scheme in J.Pangulur mandal of Prakasam District. Pursuant to the petitioner's name having been recommended by the Chandalur Joint Cooperative Farming Society, the work order was issued by the first respondent. By the impugned order dated 21.07.2004 the earlier work order was cancelled as also agreement concluded by the first respondent with the petitioner inter alia on the ground that the petitioner failed to start the work. Assailing this cancellation, the writ petition is filed.

2. It is neither urged nor demonstrated before this court that the contract between the petitioner and first respondent is a statutory contract. The dispute between the parties is as regards as a post contractual dispute in respect of a non-statutory contract. Such disputes do not have an adjudicative disposition under Article 226 of the Constitution of India. The remedy of the petitioner is to approach either the arbitrator under an arbitration clause if there is one or civil Court of competent jurisdiction.

3. On the above analysis, the writ petition is misconceived and is accordingly dismissed. The petitioner is at liberty to pursue his appropriate remedies. Interim

stay dated 19.8.2004 stands dissolved.

GODA RAGHURAM,J

Date: 21st December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman & Managing Director,

A.P.State Irrigation Development Corporation Ltd.,
Hyderabad.

2. The Executive Engineer, APSIDC Division,

A.P.State Irrigation Development Corporation Ltd.,
Sankshema Complex, Near South Bye Pass Road, Ongole.

3. The Person-in-Charge, Chandalur CIFS & Cooperative Sub-Registrar,

o/o Divisional Cooperative Officer, Ongole, Prakasam District.

4. The Deputy Executive Engineer, APSIDC, Sub Division,
Chirala, Prakasam District.

5. Two CD copies

3.2CCs to